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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

In the Matter of the)
Implementation of Rule 5(a),)
Federal Rule of Criminal)
Procedure, in Clark County,)
Nevada)
SPECIAL ORDER NO. 3,
AS AMENDED

Rule 5(a) of the Federal Rules of Criminal Procedure provides
in pertinent part:

"(a) In General. An officer making an arrest
under a warrant issued upon a complaint or any
person making an arrest without a warrant shall
take the arrested person without unnecessary
delay before the nearest available federal
magistrate or, in the event that a federal
magistrate is not reasonably available, before
a state or local judicial officer authorized
by 18 USC §3401."

To add clarification to the phrase "unnecessary delay",
IT IS ORDERED as follows:

1. Any person arrested by a federal agent or United States
Marshal between the hours of 8:00 a.m. on Monday and 4:00 p.m. on
Friday, except a legal holiday, shall be brought before the United
States Magistrate or his lawful substitute for an Initial
Appearance pursuant to Rule 5 of the Federal Rules of Criminal
Procedure within 24 hours of the said arrest.

1 2. Any person arrested after 4:00 p.m. on Friday, a
2 weekend or legal holiday, shall be brought before the United
3 States Magistrate or his legal substitute before 5:00 p.m. of the
4 next legal working day or within 48 hours, whichever occurs first,
5 for an Initial Appearance pursuant to Rule 5 of the Federal Rules
6 of Criminal Procedure.

7 3. If custody of the arrested person was taken by a
8 Federal Agent or United States Marshal within the hours prescribed
9 in paragraphs 1 or 2 above, and if said person is not brought
10 before the United States Magistrate or his lawful substitute for
11 Initial Appearance within the times prescribed in said paragraphs,
12 said person shall be released on his own recognizance forthwith
13 by the Court.

14
15 DATED this 28th day of May, 1982.

16
17 
18 Chief, U.S. District Judge

19
20 
21 U.S. District Judge